HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO:28113 of 2005

Dated: 27-09-2007

Between:
Sunkuru Maheshwara Rao

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AND

The Principal Secretary to Government,
Agricultural Market Committees, Hyderabad.
and others.

..... Respc

Counsel for the petitioner : Sri B.Gajendra Reddy

Counsel for the respondents : Sri S.V.Goverdhan Reddy

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETTION NO.28113 OF 2005

ORDER:

This writ petition is filed for a writ of mandamus to direct the respondents to re-convey the land of Ac.0.96 ¼ cents in survey No.238-5/A in Pathapatnam, Srikakulam district by holding that the action of the respondents in acquiring the lands in excess of the requirement is uncalled for and contrary to the Government circulars and the order dated 6.5.2003 passed in W.P.No.9043 of 2003.

The land over an extent of Ac.0.96 ¼ cents in survey No.238-5/A belonging to the petitioner was acquired by respondent No.2 in the year 1980 for the purpose of establishing market yard. As the petitioner raised a dispute, compensation was deposited in the Court of Subordinate Judge, Srikakulam in proceedings under Section 30 of the Land Acquisition Act 1894. The case of the petitioner is that a circular was issued by respondent No.2 on 23.7.1988 fixing up norms for acquisition of land wherein ceiling has been placed on the extent of land to be acquired, i.e., in case of dry land Ac.10.00 and in case of wet land Ac.5.00 was fixed as maximum extent at which acquisitions can be made. It is the further case of the petitioner that further restrictions were placed with reference to the extents and the costs for the acquisition of land and that though the petitioner's land was acquired it is not put to use and when representation made by him was not considered he filed W.P.No.9034 of 2003 in which this Court passed an order on 6.5.2003 to consider the case of the respondents. The grievance of the petitioner is that so far his representation has not been considered.

The Secretary, Agricultural Market Committee of Pathapatnam, Srikakulam district filed a counter affidavit wherein it is admitted that the petitioner's land was acquired for establishing a market yard. It is further stated that the possession of the

land was taken in pursuance of award passed under Section 11 of the Land Acquisition Act, 1894 and thereby the land stood vested in the Government free from all encumbrances and therefore, the question of re-conveyance under law does not arise.

I have heard Sri B.Gajendra Reddy, learned counsel for the petitioner and Sri S.V.Goverdhan Reddy, learned counsel representing Sri K.Madhav Reddy for respondent No.2.

As rightly pointed out on behalf of respondent No.2, the land acquisition proceedings have attained finality morethan two decades back and the beneficiary, namely, the Agricultural Market Committee, Pathapatnam deposited the compensation amount in the civil Court in proceedings under Section 30 of the Act. The petitioner's contention that in view of the circulars issued subsequent to the acquisition proceedings by fixing maximum limit in respect of the extents and the value of the land, the petitioner is entitled for re-conveyance cannot be accepted because none of the circulars on which the petitioner placed reliance are given retrospective operation so as to cover the acquisitions which were already made and proceedings finalized.

In view of the above, the relief of re-conveyance, which is not traceable to any statutory provision, cannot be granted.

For the aforementioned reason, the writ petition is dismissed.

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C.V.NAGARJUNA REDDY, J

Dt: 27.9.2007.
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